IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

Appeal (Ld) No. 774 of 2003
in
Notice of Motion No. 2827 of 2002
in
Suit No. 3322 of 2002
with
Notice of Motion No.3349 of 2003

Rajendra Devidas Shah ..Appellant

vs.

Bank of Maharashtra ..Respondent

None for appellant
None for respondent.

CORAM: A.P.SHAH AND
S.J.VAZIFDAR JJ
10th January,2005

P.C.

1. Appellant and his Advocate are absent.

2. The appeal is directed against an ad-interim order passed in a bank's suit. The appellant failed to appear before the learned single Judge inspite of service. By ad-interim order the learned single Judge has permitted the appellant to use the mortgaged assets on payment of instalment of Rs.25,000/- p.m. We do not see any reason to interfere with this interlocutory order at this stage.

3. Appeal is dismissed.

4. In view of dismissal of the appeal Notice of

Motion does not survive and hence rejected.